

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - W/S York Road, *
101'S of c/l Washington Street * DEPUTY ZONING COMMISSIONER
(2340 York Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 99-52-XA
Dennis G. Foster *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Dennis G. Foster. The Petitioner requests a special exception for a Class "B" office building, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and (amended) variance relief from the B.C.Z.R. as follows: From Sections 204.4.C.4 and 409.4.A to permit a side yard setback of 9 feet in lieu of the required 10 feet and a two-way travel lane with a width of 15 feet in lieu of the required 22 feet; and, from Section 204.3.B.2.a of the B.C.Z.R. to allow 100% use of the total adjusted gross floor area of the Class B office building to be occupied by medical offices in lieu of the maximum permitted use of 25%. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Dennis Foster, property owner, and Benjamin Bates. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.19 acres, more or less, zoned R.O. and is located on the west side of York Road, between Washington and Lincoln

ORDER RECEIVED FOR FILING

Date

By

Streets in Timonium. The property is presently improved with a one-story office/clinic building containing 1,056 sq.ft. of floor space which has been used as a dentist's office for many years. The Petitioner is desirous of constructing a one-story addition of 560 sq.ft. to the rear of the existing building to provide additional office space. Due to the proposed use of the entire building for medical office space, and the location of the existing building and parking area, the requested special exception and variances are necessary in order to proceed as proposed.

It is to be noted that this property owner and the owner of the adjoining property at 2338 York Road have had a verbal agreement for many years as to the use and maintenance of the driveway that exists between the two properties. However, no formal written agreement has ever been executed. Pursuant to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, dated August 21, 1998, certain recommendations were made as a condition to their approval of this project, including a requirement that the Petitioner enter into a written shared driveway agreement with the adjoining property owner of 2338 York Road. These recommendations were discussed with the property owner at the hearing and he agreed to comply with same. Therefore, as a condition of approval of the relief requested, the Petitioner shall comply with the recommendations made by Planning, including the execution of a written shared driveway agreement with the adjoining property owner of 2338 York Road. This will insure that there are no future problems regarding the use and maintenance of this driveway by both parties. An executed copy of this written agreement shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

DATE 10/1/98
BY [Signature]
CITY OF TIMONIUM
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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Date 10/1/93
By [Signature]

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

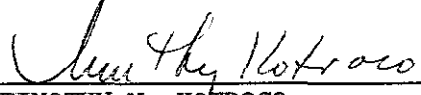
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of October, 1998 that the Petition for Special Exception to permit a Class "B" office building on the subject property, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning

Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance, as modified seeking relief from Sections 204.4.C.4, 409.4.A and 204.3.B.2.a of the B.C.Z.R. to permit a side yard setback of 9 feet in lieu of the required 10 feet, a two-way travel lane with a width of 15 feet in lieu of the required 22 feet, and to allow 100% use of total adjusted gross floor area of Class B office building to be occupied by medical offices in lieu of the maximum permitted use of 25%, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Office of Planning dated August 21, 1998, a copy of which is attached hereto and made a part hereof.
- 3) Within thirty (30) days of the date of this Order, the Petitioner shall enter into and submit an executed copy of a written shared driveway agreement with the adjacent property owner of 2338 York Road. Said agreement shall set forth the respective responsibilities of each property owner as to the use and maintenance of this shared driveway. An executed copy of this written agreement shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 11/1/98

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 1, 1998

Mr. Dennis G. Foster
2301 Paper Mill Road
Phoenix, Maryland 21131-1329

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
W/S York Road, 101'S of c/l Washington Street
(2340 York Road)
8th Election District - 3rd Councilmanic District
Dennis G. Foster - Petitioner
Case No. 99-52-XA

Dear Mr. Foster:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael K. Smith, BPS/Land Technologies, Inc.
P.O. Box 5614, Baltimore, Md. 21210

People's Counsel; Case Files





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2340 YORK ROAD
which is presently zoned R-O

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A CLASS "B" OFFICE BUILDING (204.3.B.2.a, BLZR).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2301 PAPER MILL RD. (410) 527-1129
Address Phone No.

PHOENIX MD 21131-1329
City State Zipcode

Name, Address and phone number of representative to be contacted.

MICHAEL K. SMITH - BPS/land tech., inc.
Name
P.O. BOX 5614, BALTO. (410) 435-0800
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: Jim DATE 7-30-98

ORDER RECEIVED FOR FILING

Date

By

Revised 9/5/95

99-52-XA

52



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2340 YORK ROAD

which is presently zoned R-O

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 204.4.C.4 & 409.4.A; BCZR,
TO PERMIT A SIDEYARD SETBACK OF 9 FT. IN LIEU OF THE REQUIRED 10 FT.;
AND A TWO WAY TRAVEL LANE WITH A WIDTH OF 15 FT IN LIEU OF
THE REQUIRED 20 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE DEVELOPED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2301 PAPER MILL RD. (410) 527-1129
Address Phone No

PHOENIX MD 21131-1329
City State Zipcode
Name, Address and phone number of representative to be contacted.

MICHAEL K. SMITH - BPS/land tech., inc
Name
P.O. BOX 5614, BALTO. (410) 435-0800
Address Phone No.
21210

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: gwm DATE 7-30-98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

99-52-XA

52

BPS/land technology, inc.

Engineers & Surveyors

P. O. Box 5614 • Baltimore, MD 21210 • (410) 435-0800

ZONING DESCRIPTION

Beginning at a point on the West side of York Road which is 80 feet wide at the distance of 101 feet south of the centerline of Washington Street which is 30 feet wide. Thence the following courses and distances:

S.12°18'E. 70 ft., S.77°42'W. 119.33 ft., N.12°18'W. 70 ft., N.77°42'E. 119.33 ft. to the place of beginning, as recorded in Deed Liber S.M. No. 10901, Folio 378.

Being the northerly half of Lot 5 and all of Lots 6, 7 and 8, Section E, in the subdivision of "Timonium Heights" recorded in Baltimore County Plat Book W.P.C. 5, Folio 82, containing 8,353.10 square feet or 0.19 acres. Also known as 2340 York Road and located in the 8th Election District.



52

99-52-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056555

DATE 7-30-98 ACCOUNT EDCI-6152

AMOUNT \$ 530.00

RECEIVED FROM: C. Foster 2340 York B.

FOR: (C. Foster) X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/30/1998 7/30/1998 14:39:01
REG 4806 CASHIER MUEL MWA DPALEP
6 MISCELLANEOUS CASH RECEIPT
Receipt # 023785 OFLN
CR NO. 056555

550.00 CHECK
Baltimore County, Maryland

99-52-XA

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056570

DATE 8-18-98 ACCOUNT PDCI-6112

AMOUNT \$ 100.00

RECEIVED FROM: DENNIS ESTER 2340 York B.

FOR: REVISION FEE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
8/18/1998 8/18/1998 10:41:11
REG 4801 CASHIER CLUN CHL DPALEP
6 MISCELLANEOUS CASH RECEIPT
Receipt # 064163 OFLN
CR NO. 056570

100.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/27/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/27/, 1998.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-52-XA
2340 York Road
1WS York Road, 101' S of
centerline Washington Street
8th Election District
3rd Councilmanic District
Legal Owner(s):
Dennis G. Foster

Special Exception: for a Class "B" office building. Variance: to permit a side yard setback of 9 feet in lieu of the required 10 feet and a two-way travel lane with a width of 15 feet in lieu of the required 22 feet.

Hearing: Tuesday, September 15, 1998 at 9:00 a.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/391 Aug. 27 c253868

CERTIFICATE OF POSTING

RE: Case No.: 99-52 XA

Petitioner/Developer: DENNIS FOSTER, ETAL

Date of Hearing/Closing: 9/15/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #2340 YORK ROAD

The sign(s) were posted on 8/27/98
(Month, Day, Year)

Sincerely,

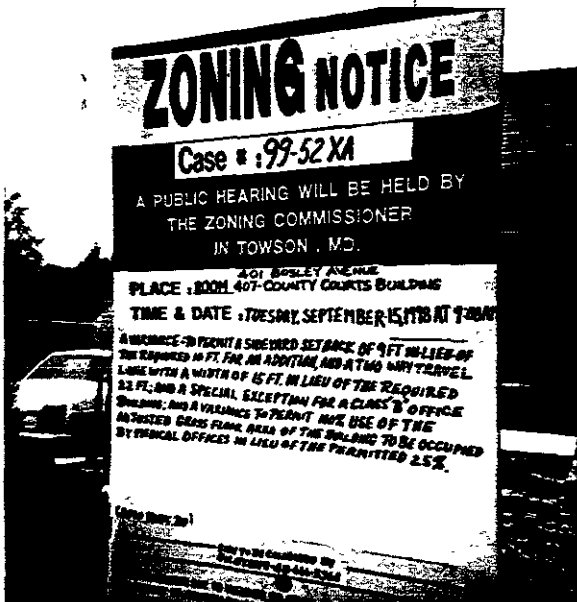
Patrick M. O'Keefe 9/4/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



2340 YORK ROAD

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 52

Petitioner: DENNIS G. FOSTER

Address or Location: 2340 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DENNIS G. FOSTER

Address: 2301 PAPER MILL RD

PHOENIX, MD 21131-1329

Telephone Number: (410) 527-1129

Revised 2/20/98 - SCJ

99-52-XA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 8-9-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-52-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT A SIDEWALK SETBACK
OF 9ft. IN LIEU OF THE REQUIRED 10ft. FOR AN ADDITION
TWO-WAY TRAVEL LANE
AND A ~~SPECIAL EXCEPTION~~ WITH A WIDTH OF 15ft. IN
LIEU OF THE REQUIRED 22ft. AND A SPECIAL EXCEPTION
FOR A CLASS "B" OFFICE BUILDING; AND A VARIANCE TO
PERMIT 100% USE OF THE ADJUSTED GROSS FLOOR AREA OF THE
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
BUILDING TO BE OCCUPIED BY MEDICAL OFFICES IN LIEU OF THE
PERMITTED 25%.

TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 8-9-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-52-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT A SIDEYARD SETBACK
OF 9ft. IN LIEU OF THE REQUIRED 10ft. FOR AN ADDITION
TWO-WAY TRAVEL LANE
AND A ~~SPECIAL EXCEPTION~~ WITH A WIDTH OF 15ft. IN
LIEU OF THE REQUIRED 22ft. AND A SPECIAL EXCEPTION
FOR A CLASS "B" OFFICE BUILDING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Please read these instructions before you complete your application.

Complete the entire application. Incomplete applications may not be considered. All applications must be submitted to the Baltimore County Office of Personnel, 308 Allegheny Ave., Towson, MD 21204.

[illegible]

How did you learn of employment opportunities with the County?

NAME _____
Social Security No. _____

Alternate Contact Person for Notification of Interview: Name _____ No _____
Do you have the legal right to work in the U.S.? Yes _____ No _____
Phone No. _____

Circle Highest Grade Successfully COMPLETED	9	10	11	12	Name and Location of Last Elementary or High School Attended List Chief Courses Taken	
	5					
	6					
	7					
	8					
1	2	3	4			
If no, have you received a State high school equivalence certificate? Yes <input type="checkbox"/> No <input type="checkbox"/>				Did you graduate? Yes <input type="checkbox"/> No <input type="checkbox"/>		

COLLEGE OR UNIVERSITY		Give Name and Location of College, University or Professional School	
Major and Specialty		From	To
Dates Attended		If Yes, Give Title and Date	
Degree Received?		If No, Number Semester Hours Credit Completed	

[illegible][illegible][illegible]

DO NOT WRITE BELOW THIS LINE

Minimum Qualifications:

Education	Experience
-----------	------------

Position	O	N.O.	C/A	Ref.	Reasons

TO: PATUXENT PUBLISHING COMPANY
August 27, 1998 Issue - Jeffersonian

Please forward billing to:

Dennis G. Foster 410-527-1129
2301 Paper Mill Road
Phoenix, MD 21131-1329

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-52-XA
2340 York Road
W/S York Road, 101' S of centerline Washington Street
8th Election District - 3rd Councilmanic District
Legal Owner: Dennis G. Foster

Special Exception for a Class "B" office building. Variance to permit a side yard setback of 9 feet in lieu of the required 10 feet and a two-way travel lane with a width of 15 feet in lieu of the required 22 feet.

HEARING: Tuesday, September 15, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt 4)

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 10, 1998

CARL RICHARDS
REVISED PETITION REQUEST

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-52-XA
2340 York Road
W/S York Road, 101' S of centerline Washington Street
8th Election District - 3rd Councilmanic District
Legal Owner: Dennis G. Foster

Special Exception for a Class "B" office building. Variance to permit a side yard setback of 9 feet in lieu of the required 10 feet and a two-way travel lane with a width of 15 feet in lieu of the required 22 feet.

HEARING: Tuesday, September 15, 1998 at 9:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Dennis G. Foster
BPS Land Tech. Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 31, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 21, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 2340 York Road

INFORMATION:

Item Number: 52
Petitioner: Dennis G. Foster
Property Size: 1056 square feet
Zoning: RO
Requested Action: Special Exceptions
Hearing Date:

The variance being requested in this case is to:

- a) permit a sideyard setback of 9 feet in lieu of the required 10 feet and;
- b) permit a two way travel lane with a width of 15 feet in lieu of the required 22 feet for an existing dentist office located in the West Timonium Heights community.

Currently, the property is zoned RO.

The subject property is a 1,056 square feet residential structure that has been converted to a dentist office. Parking as it currently exists consists of a total of nine, diagonal, head in spaces bordering the south side of the building and along the rear of the property line. The existing office is well maintained, with evidence that a concerted effort was made to maintain its residential character as much as possible. There is substantial landscaping in the form of low shrubbery and ornamental grasses along the York Road frontage. There is an existing freestanding identification sign which is of an appropriate scale and appearance.

The applicant is proposing to remove the parking located to the rear of the structure to construct a 560 square feet, one-story addition, and provide additional open space behind the proposed addition. All parking will be relocated along the south side of the building.

*Jim
9/15*

SUMMARY OF RECOMMENDATIONS:

This office recommends approval of the variances subject to the following conditions:

1. The proposed addition should match the existing structures closely as possible (in materials and color).
2. Screening, in the form of an evergreen species (similar to that found at the rear of the neighboring property, 2338 York Road) should be provided along the rear property line which abuts the residential community.
3. Documentation of the "shared driveway" agreement with the property owner of 2338 York Road should be provided by the applicant. Without the additional space of the adjacent property, the two-way travel lane presents a difficult circulation plan.

Section Chief: _____

Jeffrey W. Long

AFK:JH:lsn

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: August 18, 1998

FROM: *fw* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for August 17, 1998
 Item Nos. 044, 045, 046, 047, 048,
 049, 050, 051, 052 053, 054

Revised Plats for Reclassification
Case #CR-98-367-A
(7218 Windsor Mill Road)

Revised Petition; Environmental
Impact Statement, Description, and
Plats for Reclassification
Case #R-97-465
(1856 Reisterstown Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0717.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUG. 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DENNIS G. FOSTER

Location: W/S YORK RD. 101' S OF CENTERLINE WASHINGTON ST.
(2340 YORK RD.)

Item No.: 052

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 8.12.91
Item No. 052 JCM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley . ADJ/92
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 8/10/92

DATE: 8/10/92

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

~~44~~
44
47
48
50
51
52
54

RBS:sp

BRUCE2/DEPRM/TXTS8P

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
2340 York Road, W/S York Rd, 101' S of c/l
Washington Street, 8th Election District, 3rd
Councilmanic .

Legal Owners: Dennis G. Foster

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-52-XA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Michael K. Smith, , P.O. Box 5614, Baltimore, MD 21210, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Case No. 99-52XA
In Re: Dennis G. Foster
2340 York Rd

To the Deputy Zoning Commissioner:

Please be advised that I am part owner of the building located at 2338 York Rd, Timonium, Md. 21093, which is adjacent to the subject property. Unfortunately, I will not be able to be present at the hearing as I will be in Florida. However, I submit the following for your information and consideration.

In case No. 78-190xa, the previous owner of 2340 York Rd. applied for and was granted a special exception and variance to operate a medical office building. I attach a copy of the approved plan. While the addition did not occur, the building has been continuously utilized as a dental office. The purpose of this letter is to point out that on the plan accompanying that request it was noted that the driveway separating 2338 and 2340 was to be a "common driveway by agreement". The property line is in fact located in the middle of the driveway and indicated by a double yellow line.

The purpose of this common drive is to permit easier ingress, egress and turn-around for vehicles using both properties. We each maintain our portions of the driveway.

This common drive is not shown on the plan submitted with this request for special exception and variance.

We do not oppose the requested relief, and would otherwise support it. However, we request that as a condition of approval the common driveway be mandated. Our request is that the common drive be noted on the plan, and its existence be made a condition of approval.

I note that this has been discussed with the surveyor who has prepared the plan for the instant request.

Saul Jablon

A handwritten signature in black ink, appearing to read 'Saul Jablon', with a long horizontal stroke extending to the left.

DECLARATION OF PRIVATE DRIVEWAY INGRESS, EGRESS,
AND MAINTENANCE EASEMENT

THIS DECLARATION OF PRIVATE DRIVEWAY INGRESS, EGRESS, AND MAINTENANCE EASEMENT, (hereinafter referred to as "Declaration") is made this 1st day of DECEMBER 1998, by Dennis G. Foster, of 2301 Paper Mill Rd, Phoenix, Md. 21131, (hereinafter referred to as "Petitioner") and Saul Jablon, Arnold E. Jablon, Lisa Jablon, Jacob Jablon, Bette Jablon, and Ellen Jablon (hereinafter referred to as "neighbor"),

WITNESSETH, THAT WHEREAS, Petitioner is the owner of property known as 2340 York Road, 8th Election District, 3rd Councilmanic District, recorded amongst the Land Records of Baltimore County, Maryland in Liber 10901, Folio 378, and the subject of Baltimore County zoning Case No. 99-52xa, and

WHEREAS, Neighbor is the owner of property known as 2338 York Road, 8th Election District, 3rd Councilmanic District, being the same lot of ground and premises which, by deed dated 17 August 1984, and recorded amongst the Land Records of Baltimore County, Maryland in Liber 6768, folio 104 etc., was granted and conveyed by E. Allen Wirtz and Mary I. Wirtz, his wife, unto Saul Jablon, Arnold E. Jablon and Lisa Jablon, his wife, and Jacob Jablon and Bette Jablon, his wife, t/a J.J.J. & M. Joint Venture; and being the same lot of ground and premises which by deed dated 7 January 1997, and recorded amongst the Land Records of Baltimore County in Liber 12028 folio 373, was granted and conveyed by Saul Jablon, individually, Arnold E. Jablon and Lisa Jablon, his wife, and Jacob Jablon and Bette Jablon, his wife, t/a J.J.J. & M. Joint Venture t/a J.J.J. & M. Joint Venture unto Saul Jablon, individually, an undivided one third interest, as tenant in common, Arnold E. Jablon and Lisa Jablon, his wife, tenants by the entirety, an undivided one-third interest, as tenants in common, and Jacob Jablon and Bette Jablon, tenants by the entirety, an undivided one-third interest, as tenants in common; and being the same lot of ground and premises which by deed dated 7 January 1997 and recorded amongst the Land Records of Baltimore County in Liber 12023 folio 376, was granted and conveyed by Jacob Jablon and Bette Jablon, his wife, grant, convey and assign their undivided one third interest in the subject property unto the said parties of the second part, Saul Jablon, individually, as to an undivided one-fourth interest, as tenant in common, Ellen Jablon, individually, an undivided one fourth interest, as tenant in common, Arnold E. Jablon and Lisa Jablon, his wife, as tenants by the entireties, as to an undivided one-fourth interest, as a tenant in common, and Jacob Jablon and Bette Jablon, his wife, as tenants by the entireties, as to an undivided one-fourth interest, as tenant in common

NOW, THEREFORE, in order to provide for ingress and egress to 2340 and 2338 York Road (hereinafter referred to as "the Lots"), the petitioner and the neighbor hereby grant and convey to one another the easements hereinafter set forth and covenant and agree that the Lots shall be held, sold and conveyed subject to the following easements

and covenants which shall run with the Lots and be binding on and inure to the benefit of all parties having any right, title or interest in the Lots or any part thereof, and their personal representatives, successors and assigns.

Section 1. Grant and Reservation of Easement. The petitioner and neighbor hereby grant and convey to one another and hereby reserve for the benefit of each Lot and for each owner thereof and such owner's personal representative's, successors and assigns (collectively, an "Owner"), an irrevocable, perpetual and non-exclusive easement for (a) access, ingress and egress, by pedestrian and vehicular traffic, over and upon that portion of the Lots which are designated as driveways and as shown on the Plat which accompanied the petition for special exception and variance and made part of the zoning Case No. 99-52xa and found in the office of zoning in the Department of Permits & Development Management of Baltimore County, and (b) the construction, installation, maintenance, repair and replacement of the driveway located in such easement area (the "Driveway") or any portion thereof.

Section 2. Manner of Exercise. The easement created by this document shall be used for the sole purpose of vehicular and pedestrian ingress and egress to the individual Lots benefited thereby, for the maintenance and repair of the Driveway, and removal of snowfall and shall be maintained as such. Any installation, maintenance, repair, replacement or use of the easement granted under this Declaration by a party benefited thereby shall be done only in accordance with all applicable laws, ordinances, rules and regulations of each governmental entity having jurisdiction over such activities, and any damage to a Lot or the Driveway resulting therefrom shall be promptly repaired by the benefited party. Each owner shall indemnify and hold each other Owner harmless against and from any and all claims, actions, damages, liabilities, mechanics liens and expenses which the indemnified party may incur in connection with any and all injuries to or deaths of persons or damage to real or personal property arising out the exercise of the easement rights created under this Declaration by the indemnifying party.

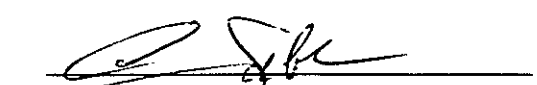

Section 3. Benefit and Burden. The benefit and burden of the easements and covenants created hereunder shall run with the title to the respective Lots and bind upon each person from time to time hereafter holding title to the respective Lots.

Section 4. Costs of Maintenance. Any costs incurred by the petitioner or the neighbor in connection with the reasonable maintenance, snow removal, repair and replacement of that portion of the Driveway owned by each shall be the sole responsibility of that Owner, with no obligation accruing to the other as a result.

Section 5. Gender, Number. All references made (a) in the neuter, masculine or feminine gender shall be deemed to have been made in all such genders, and (b) in the singular or plural number shall be deemed to have been made, respectively, in the plural or singular number as well.

IN WITNESS WHEREOF, the petitioner and neighbor have executed and
ensealed this Declaration or caused it to be executed and ensealed on their behalves by
their duly authorized officers, as of the day and year first above written.

WITNESS:


Dennis G. Foster
Saul Jablon
Arnold E. Jablon
Lisa Jablon
Jacob Jablon
Bette Jablon
Ellen Jablon

I hereby certify that on this 1st day of Dec, 1998 before me the
subscriber, a Notary Public, personally appeared Dennis G. Foster, who acknowledged
himself to be the petitioner above described, and that he executed the same foredescribed
Declaration for the purposes therein contained.


As Witness my hand and Notarial Seal.


Notary Public

My Commission Expires: 4/1/02

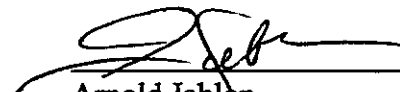
I hereby certify that on this 1st day of December, 1998, before me the subscriber, a Notary Public, personally appeared Saul Jablon, Arnold E. Jablon, Lisa Jablon, Jacob Jablon, Bette Jablon and Ellen Jablon who acknowledged themselves to be the petitioner above described, and that he executed the same foredescribed Declaration for the purposes therein contained.

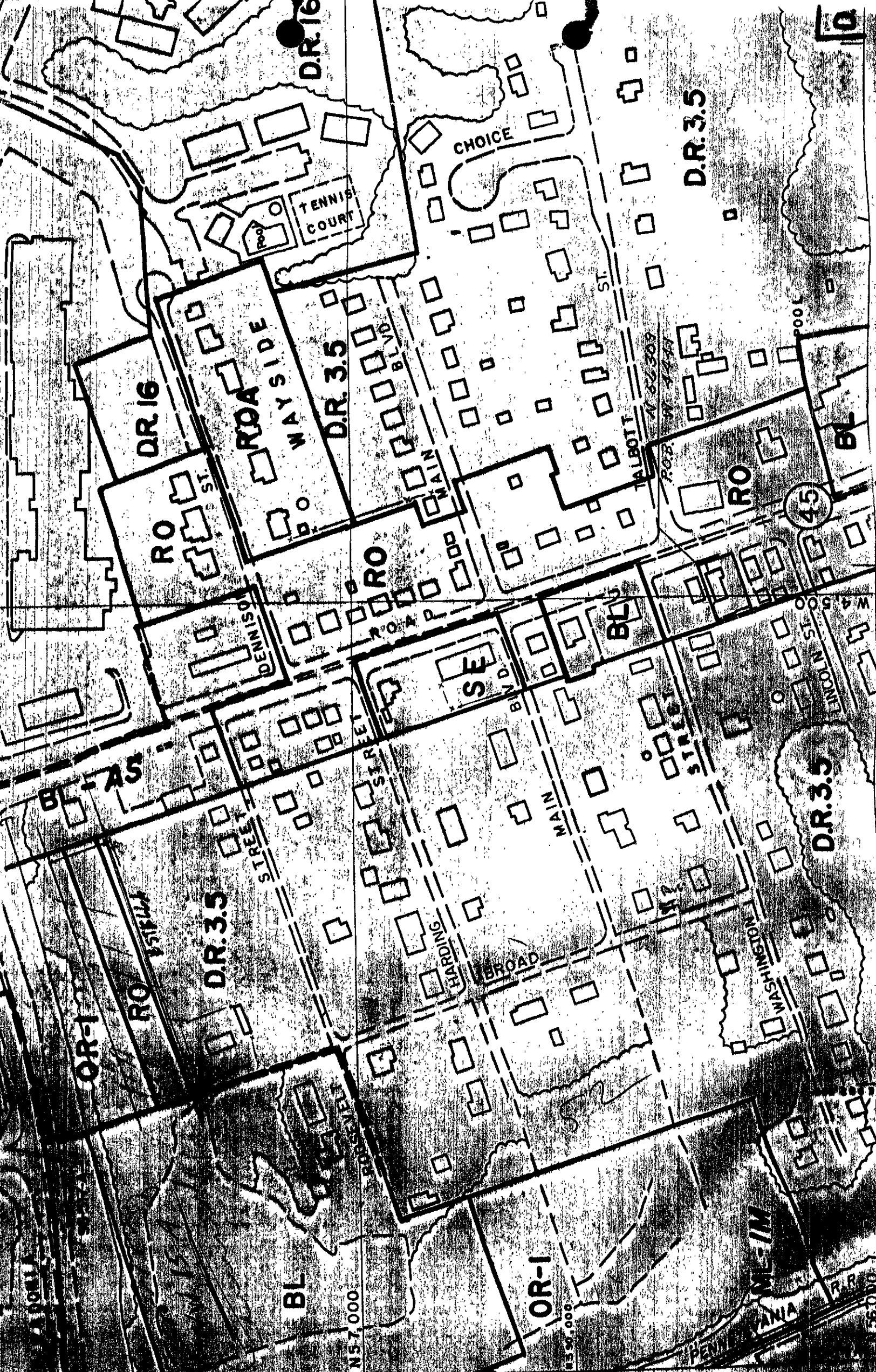
As Witness my hand and Notarial Seal.


Notary Public ~~STELLA RUTH LOWERY~~

My Commission Expires: OCTOBER 1, 2001

The undersigned, an attorney admitted to practice before the Court of Appeals of Maryland, hereby certifies that the above instrument was prepared by me or under my supervision.


Arnold Jablon
attorney at law



99-52-XA

